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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/083,793
Filing Date: February 27, 2002
Appellant(s): D'SILVA ET AL.

Joseph R. Palmieri
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/28/2006 appealing from the Office action mailed 07/28/2005. This examiner's answer is issued to correct the status of the after final amendment as now correctly shown in paragraph (4) below.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 09/28/2005 has been entered in accordance with the Advisory Action mailed October 18, 2005.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application No. 2004/0034700 (Polcyn).

With respect to claims 1 – 16, Polcyn teaches a method and system configuring communications in a voice network via a data network, comprising: receiving, via the data network, at least one pattern in a calendar for forwarding communications in the voice network; determining a time period for the at least one pattern based on the calendar; and configuring the voice network based on at least one pattern and the time period. These limitations and the other limitations contained in the claims as recited by applicant can be seen from the Figs., in particularly Fig.1. In addition, see paragraph 0006 – 0008, 0012 – 0015, 0028 – 0032, 0034 – 0039, 0045 – 0047, 0052, 0054 – 0055 and 0058 – 0069.

With respect to the identifiers as claimed in the instant application, Polcyn teaches a call-forwarding pattern applicable to a time period that includes a source

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identifier, a destination identifier and a forwarding identifier at least in paragraphs 0045 - 0046, 0051, 0054 – 0055, 0057 – 0059, 0066 and 0071. In addition, note table 112.

(10) Response to Arguments

Appellants' argument that Polcyn does not teach a source identifier, a destination identifier and a forwarding destination number is not understood in light of the Rejection above.

For example, a source identifier could be all incoming calls (see last sentence of paragraph 0052). Note also that Polcyn is able to identify urgent incoming calls and the like. Additionally, note paragraph 0069, the sequence of numbers could be a caller's telephone number or a password that identifies the caller. It would not make sense for all callers to be able to bypass or override the call routing, but only specific callers would have such an opportunity.

A destination number or identifier is inherent and is at least the user's telephone number. It is the user's telephone number that is used to determine intelligent routing for a particular user (see paragraph 0051). Obviously, the system must be able to identify the user in order to extract the correct calendar for a particular user. The destination number is also used to determine, which device, e.g., pager, mobile or voicemail a call is to be forwarded.

With respect to a forwarding destination identifier, the alternative phone numbers are, for example, home, mobile, e-mail and pager are forwarding identifiers, when the primary device is busy the system will forward the call to one of the alternate devices or set up a sequence of forwarding (see paragraphs 0061 and 0066 and directory 111).

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Without a forwarding destination identifier the system would not know to which device (mobile, pager, etc) to forward the call.

Since Polycn is shown to disclose a source identifier, a destination number or identifier and a forwarding destination identifier, it is believed that the rejection should be maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Again, since Polycn is shown to disclose a source identifier, a destination number or identifier and a forwarding destination identifier, it is believed that the rejection should be maintained.

Respectfully submitted,

/William J Deane/

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